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LETTER DATED 9 MAY 1994 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS

Algeria*, Argentina*, Australia, Austria, Barbados, Belgium*, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Cyprus, Czech Republic*, Denmark*, Ecuador, Egypt*, El Salvador*, Ethiopia*, Finland, France, Gabon, Germany, Ghana*, Greece*, Hungary, Iceland*, Ireland*, Israel*, Italy, Japan, Kenya, Luxembourg*, Madagascar*, Malta*, Mauritania, Mauritius, Netherlands, New Zealand*, Nigeria, Norway*, Pakistan, Peru, Poland, Portugal*, Republic of Korea, Romania, Russian Federation, Senegal*, Slovak Republic*, Spain*, Sweden*, Switzerland*, Togo, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, United Republic of Tanzania*, Uruguay, Venezuela, Zambia*, Zimbabwe*: draft resolution

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

THE SITUATION OF HUMAN RIGHTS IN RWANDA

The Commission on Human Rights,

Meeting in special session,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Prevention and the Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Convention on the Rights of the Child, international humanitarian law, including the Geneva Conventions of 12 August 1949 for the protection of war victims and the Additional Protocols thereto of 1977, the African Charter of Human and Peoples' Rights, and other relevant international human rights instruments,

Conscious of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all, and resolved to remain vigilant with regard to violations of human rights wherever they may occur and to prevent such violations,

Noting with deep concern that a situation of ethnic and political armed conflict, systematic slaughter and massacres continues to exist in Rwanda, resulting in grave violations and abuses of human rights, including massive loss of lives, which may exceed five hundred thousand and destruction of property,

Recalling that the killing of members of an ethnic group, with the intention of destroying such a group in whole or in part, constitutes the crime of genocide,

Believing that genocidal acts may have occurred in Rwanda,

Expressing its grave concern at the failure to date of the Rwandan authorities to condemn the ongoing massacres in the country,

Expressing its solidarity with the families of the victims of the conflict, the people of Rwanda and neighbouring countries which are receiving refugees,

Recalling the request of the Security Council to the Secretary-General to collect information on the responsibility for the tragic incident that resulted in the death of the Presidents of Rwanda and Burundi,

Commending the initiative taken by the High Commissioner for Human Rights and his timely visit to Rwanda,

Noting with appreciation the efforts of the Secretary-General of the United Nations, the Secretary-General's Special Representative on Rwanda, the United Nations High Commissioner for Refugees and the Department of Humanitarian Affairs of the Secretariat, as well as of the existing mechanisms of the Commission on Human Rights, particularly the Special Rapporteur on extrajudicial, summary or arbitrary executions, and of non-governmental organizations,

Noting also with appreciation the efforts of the Chairman and Secretary-General of the Organization of African Unity, the President of the United Republic of Tanzania, His Excellency Mr. Ali Hassan Mwinyi, in his capacity as the Facilitator of the Arusha Peace Process, and the Organization of African Unity Mechanism for Conflict Prevention, Management and Resolution,

Stressing the need for the full implementation of the Arusha Peace Agreement by all parties to the conflict,

Alarmed at the report of the High Commissioner for Human Rights (E/CN.4/S-3/3) and the information provided by the United Nations High Commissioner for Refugees and non-governmental organizations concerning the deteriorating human rights situation in Rwanda, in particular the massacre of innocent persons,

Alarmed also at the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning a deliberate policy which advocates ethnic and political intolerance, hatred and violence,

Underlining the need for the international community to move with speed to protect innocent civilians and deliver humanitarian assistance, a task which can be most effectively accomplished within the framework of the United Nations,

Conscious of the fact that the magnitude of the tragedy in Rwanda requires the kind of coordination and resources which can only be effectively sustained by the United Nations,

Convinced that the operation in Rwanda will continue to be a United Nations undertaking, and supporting the Secretary-General's encouragement to States Members of the United Nations to provide the needed troops and equipment to the United Nations Assistance Mission to Rwanda (UNAMIR),

Recalling the recent Security Council resolution (918 (1994) of 17 May 1994), in which the Council authorized the expansion of the UNAMIR force level up to 5,500 troops,

Recognizing that effective action to prevent further violations of human rights must be a central and integral element of the overall United Nations response to the situation in Rwanda,

Recognizing also that a strong human rights component will be indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

1. Condemns in the strongest terms all breaches of international humanitarian law and all violations and abuses of human rights in Rwanda, and calls upon all the parties involved to cease immediately these breaches, violations and abuses and to take all necessary steps to ensure full respect for human rights and fundamental freedoms and for humanitarian law;

2. Also condemns in the strongest terms the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission to Rwanda (UNAMIR), which constitutes a blatant violation of international humanitarian law;

3. Condemns equally the killing of personnel attached to humanitarian organizations operating in the country;

4. Further condemns in the strongest terms the kidnapping and murder of the Prime Minister, Ms. Agathe Uwilingiyimana, and some of her cabinet ministers and government officials, as well as the wanton killings of innocent civilians and the destruction of property;

5. Commends the High Commissioner for Human Rights on his recent mission to Rwanda, welcomes his report on the situation of human rights in the country and endorses the conclusions and recommendations contained therein;

6. Calls upon the Government of Rwanda to condemn publicly and take measures to put an end to all violations of human rights and international humanitarian law by all persons within its jurisdiction or under its control and to ensure that the human rights of all individuals within its jurisdiction, irrespective of their ethnic origin, are fully respected;

7. Calls upon the Rwandese Patriotic Front (RPF) to prevent persons under its command from committing human rights abuses and violations of international humanitarian law;

8. Strongly urges all parties to cease immediately any incitement to violence or ethnic hatred;

9. Commends the Secretary-General of the United Nations and his Special Representative on Rwanda, the President of the United Republic of Tanzania in his capacity as the Facilitator of the Arusha Peace Process, the Chairman and the Secretary-General of the Organization of African Unity, the United Nations High Commissioner for Refugees, all countries contributing troops and other support, the Department of Humanitarian Affairs of the Secretariat, all neighbouring countries hosting refugees from Rwanda, as well as the International Committee of the Red Cross and non-governmental organizations, for their efforts in alleviating the suffering of innocent victims of this tragedy;

10. Calls for an immediate cessation of hostilities and for the parties to the Arusha Peace Agreement to cooperate fully with the Special Representative of the Secretary-General and with UNAMIR in order to create the necessary conditions conducive to the immediate resumption of the implementation of the Agreement, which constitutes the framework for peace, national reconciliation and unity in the country;

11. Welcomes the Security Council's decision to authorize expansion of the UNAMIR mandate under resolution 912 (1994) to include the following additional responsibilities within the limits of the resources available to it:

(a) To contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, including through the establishment and maintenance, where feasible, of secure humanitarian areas;

(b) To provide security and support for the distribution of relief supplies and humanitarian relief operations;

12. Calls upon the responsible authorities, groups and individuals in Rwanda to facilitate the access of humanitarian relief to all in need;

13. Expresses its alarm at all repressive policies and policies directed against members of particular ethnic groups, and also calls upon all parties concerned to ensure the protection of the rights of all persons regardless of their national or ethnic, religious or linguistic background;

14. Calls upon the parties to the conflict to ensure safe passage for those fleeing from the conflict areas including, where necessary, to asylum countries and to ensure the right to return under safe conditions;

15. Calls for the immediate and unconditional release of all persons being held illegally against their will in camps, prisons or other places and for them to be permitted to be moved to safety;

16. Demands that all parties immediately notify the appropriate humanitarian organizations of the location of all camps, prisons or other places of detention, and that the parties concerned ensure immediate and unimpeded access to such places;

17. Affirms that all persons who commit or authorize violations of human rights or international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice, while affirming that the primary responsibility for bringing perpetrators to justice rests with national judicial systems;

18. Requests the Chairman to appoint a special rapporteur, for an initial period of one year, to investigate at first-hand the human rights situation in Rwanda and to receive relevant, credible information on the human rights situation there from Governments, individuals and intergovernmental and non-governmental organizations, including on root causes and responsibilities for the recent atrocities, on a continuing basis, and to avail himself or herself of the assistance of existing mechanisms of the Commission on Human Rights;

19. Requests the existing mechanisms of the Commission on Human Rights, including the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the question of torture, the Representative of the Secretary-General on internally displaced persons, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, as well as human rights treaty bodies, where appropriate, to give urgent attention to the situation in Rwanda and to provide, on a continuing basis, their full cooperation, assistance and findings to the Special Rapporteur and to accompany the Special Rapporteur in visiting Rwanda whenever necessary;

20. Requests the Special Rapporteur to visit Rwanda forthwith and to report on an urgent basis to the members of the Commission on Human Rights on the situation of human rights in the country, including his or her recommendations for bringing violations and abuses to an end and preventing future violations and abuses, providing a preliminary report no later than

four weeks from the adoption of the present resolution, and requests the Secretary-General to make the report of the Special Rapporteur available to the Economic and Social Council, the General Assembly and the Security Council;

21. Also requests the Special Rapporteur to gather and compile systematically information on possible violations of human rights and acts which may constitute breaches of international humanitarian law and crimes against humanity, including acts of genocide in Rwanda, and to make this information available to the Secretary-General;

22. Calls upon all parties to the conflict to give their full cooperation to the Special Rapporteur, in order to ensure the fulfilment of his or her mandate;

23. Requests the High Commissioner for Human Rights to make the necessary arrangements for the Special Rapporteur to be assisted by a team of human rights field officers acting in close cooperation with UNAMIR and other United Nations agencies and programmes operating in Rwanda;

24. Also requests the High Commissioner for Human Rights to take the necessary steps to ensure that future efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component and that this process is effectively supported by a comprehensive programme of human rights assistance;

25. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to fulfil his or her mandate;

26. Decides to remain seized of the issue.